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JONATHAN O. OWENS
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE,, CA 94086

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/23/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary

Application No.

09/739,938

Applicant(s)

ROBERT ROSIN

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered on May 24, 2004 for the patent application number 09/739,938 09/427,680) filed on December 18, 2000.

Priority

2. The patent application claims priority from US Application number 09/201,020 filed November 20, 1998.

Status of the claims

3. Claims 1-56 previously canceled by the applicant, and the remaining claims 57-108 are examined herein as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 57-73, 77-82, 85-91, 93-102, and 104 through 108 rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al (6,594,682).

Peterson et al (6,594,682) relates to client-server systems and methods for obtaining Web related content from one or more servers and presenting that content to a user.

With regard to claim 57:

As per "A system for enabling a user to select among and access one of a plurality of Internet web sites," Peterson discloses a browser (90) to select among and access one of a plurality of Internet web sites (see fig. 3, column 8, lines 54-59).

As per "a graphical user interface," Peterson's browser (90) includes, among others, user interface or pane (122) and content viewer user interface (140) (see Fig. 6).

As per "means for enabling selection of and access to one of a plurality of Internet web sites;" (see Peterson's browser (90)).

As per "means of enabling selection of and access to one or more television channels;" as illustrated in Fig. 5, the channels, such as CBS, MSNBC, CNN are television channels; and by using the interface device (Fig. 2, #72) one can select a channel of his choice to view the content of the channel, such as the Disney channel (Fig. 6).

As per "means for enabling selection of and access to one of an array of web channels upon actuating the Internet web site selection-access enabling means, wherein each web channel includes a plurality of selectable categories associated with

the web channel, and a plurality of selectable Internet web sites related to and associated with each selectable category" (see Fig. 5, column 11, lines 39-47); and

As per "means for enabling customization of at least one of the array of web channels upon actuating the web channel selection-access enabling means so as to enable selection of one of the plurality of selectable categories associated with the web channel, and one of the plurality of selectable Internet web sites related to and associated with each selectable category" (see column 11, lines 48-column 12, lines 31).

With regard to claim 58:

As per "the graphical user interface further includes a web channel guide, in which the array of the web channels is presented" (see column 10, lines 9-16, fig. 5).

With regard to claim 59:

As per "a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels" (see fig. 5).

With regard to claim 60:

As per "means for enabling the user to customize the at least one of the plurality of Internet web sites associated with each of the array of the web channels" (see column 11, lines 48-column 12, lines 31).

With regard to claim 61:

As per "means for enabling the user to navigate among the array of the web channels" (see the input devices, such as, a mouse and keyboard in fig.2).

With regard to claim 62:

As per "means for displaying the graphical user interface" (see display monitor, fig. 2).

With regard to claim 63:

As per "means for identifying the web channel being presented, upon presenting the web channel" (see column 10, lines 60-63).

With regard to claim 64:

As per "means for enabling the associating means to access an Internet web site selected by the user" (see column 8, lines 54-59, browser (90)).

With regard to claim 65:

As per "a client device, including an Internet browser for enabling access to and retrieval of the plurality of the Internet web sites (see fig. 2, column 7, lines 24-34, browser (90)).

With regard to claim 66:

As per "means for enabling the user to navigate among the plurality of the Internet web sites associated with each of the plurality of the web channels, and to obtain access to each of the plurality of the associated Internet web sites" (see column 11, lines 39-47).

With regard to claim 67:

As per "means for enabling the displaying of the web channel guide, wherein the displaying enabling means are further adapted to enable the displaying of the plurality of the associated Internet web sites (see fig. 5, column 10, lines 4-54).

With regard to claim 68:

As per "a client device, and means for enabling a plurality of the Internet web sites associated with the plurality of the web channels to be downloaded and stored in the client device" (see column 12, lines 33-43).

With regard to claim 69:

As per "each of the plurality of the web channels comprises one of a plurality of the Internet web sites commonly accessed by the user" (see fig. 5, column 10, lines 4-54).

With regard to claim 70:

As per "each of the plurality of the Internet web sites comprises one of the plurality of the Internet web sites selected for the user" (see column 7, lines 1-14, column 10, lines 3-24).

With regard to claim 71:

As per "the plurality of the Internet web sites associated with each of the plurality of the web channels comprises a group of the Internet web sites categorized for the user based on content" (see column 7, lines 1-14, column 10, 4-16).

With regard to claim 72:

As per "the customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels" (see column 10, lines 9-16, column 12, lines 16-23, fig. 5).

With regard to claim 73:

As per "the customization enabling means include a plurality of category buttons, adapted to be associated with each of the array of the web channels (see column 10, lines 9-16, column 12, lines 16-23, fig. 5).

With regard to claim 77:

As per "the navigating enabling means comprise a keyboard which includes function keys for enabling navigating among the web channels" (see keyboard in fig. 2).

With regard to claim 78:

As per "the navigating enabling means comprise a mouse device" (see mouse in fig. 2).

With regard to claim 79:

As per "the navigating enabling means include means for enabling the user to move up and down among the web channels" (see up/down arrows in figs. 5 and 6).

With regard to claim 80:

As per "the navigating means include means for enabling direct access to a selected one of the web channels" (see column 10, lines 55-63).

With regard to claim 81:

As per "the displaying means comprise a display monitor" (see display monitor in fig. 2).

With regard to claim 82:

As per "the displaying means comprise a television display" (see web-enabled television, fig. 8).

With regard to claim 85:

As per "the access enabling means comprise a telephone modem" (see modem in fig 2).

With regard to claim 86:

As per "the access enabling means comprise a digital broadcast satellite system" (see column 13, lines 28-36).

With regard to claim 87:

As per "the access enabling means comprise a web server" (see web server in fig. 1).

With regard to claim 88:

As per "an Internet program guide adapted to be accessible through the graphical user interface through use of one of the plurality of customizing, buttons associated with one of the array of web channels" (see column 10, lines 4-24, fig. 5, column 11, lines 57-column 12, lines 23).

With regard to claim 89:

As per "each of the plurality of category buttons includes a plurality of Internet web site buttons, each of which is adapted to be associated with one of the plurality of selectable Internet web sites" (see column 11, lines 39-47).

With regard to claim 90:

As per "means for enabling at least: one of the plurality of Internet web sites to be downloaded and stored in the client device" (column 12, lines 33-43).

With regard to claim 91:

As per "each of the plurality of the web channel buttons includes a uniform resource locator representing the associated Internet web site" (see column 4, lines 53-57, column 7, lines 15-22).

With regard to claim 93:

As per "each of the Internet web site buttons includes an Internet web site title representing the associated Internet web site" (see column 4, lines 53-57).

With regard to claim 94:

Independent claim 94 corresponds generally to independent system claim 1 and recites similar features in method form, and therefore is rejected under the same rationale.

Furthermore, as per "enabling the displaying of the graphical user interface" (see fig. 6).

As per "enabling the displaying of the array of the web channels" (see figs. 5 and 6).

As per "enabling the selecting of the one or more television channels within the graphical user interface" (see Figs. 5 and 6).

As per "enabling the user to select one of the array of the web channels and to obtain access to one of the plurality of the related and associated Internet web sites; (see column 10, lines 4-54, figs. 5 and 6).

As per "enabling the user to customize at least one of the array of web channels" (see column 10, lines 9-16, column 12, lines 16-23).

With regard to claim 95:

As per "the graphical user interface further includes a web channel guide, in which the array of the web channels is presented, and web channel display enabling further comprises enabling the displaying of the web channel guide" (column 10, lines 4-54, figs. 5 and 6).

With regard to claim 96:

As per "the system further comprises a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels, and web channel display enabling further comprises enabling the displaying of the plurality of the web channel buttons" (see column 10, lines 4-54, fig. 5).

With regard to claim 97:

As per "each of the array of the web of channels is adapted to be associated with a plurality of the Internet web sites, and web channel display enabling further comprises enabling the selection of one of the plurality of the Internet web sites associated with each of the array of the web channels (column 6, lines 17-26, column 10, lines 4-54).

With regard to claim 98:

As per "means for enabling the user to navigate among the array of the web channels, and the method further comprises enabling the user to navigate among the array of the web channels" (see the up/down arrow in figs. 5 and 6).

With regard to claim 99:

As per "means for displaying the graphical user interface, and the method further comprises displaying the graphical user interface" (see display monitor in fig. 2).

With regard to claim 100:

As per "means for identifying the web channel being presented upon presenting the web channel, and the method further comprises presenting a web channel and identifying the web channel being presented" (see column 6, lines 17-26).

With regard to claim 101:

As per "means for enabling the associated means to access an Internet web site selected by the user, and the method further comprises enabling the associating means to access an Internet web site selected by the user" (see column 10, lines 51-56).

With regard to claim 102:

As per "a client device, including an Internet browser for enabling access to and retrieval of the plurality of the Internet web sites, and the method further comprises enabling the Internet browser to access and retrieve the plurality of the Internet web sites" (see figs. 2, and 3, column 10, lines 51-56).

With regard to claim 104:

Independent claim 104 is rejected for reasons similar to those given for the rejection of claim 57.

With regard to claims 105 through 109:

These Independent claims are rejected for reasons similar to those given for the rejection of claim 94.

Claim Rejections - 35 U.S. C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 74-76, 83, 84, 92, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (6,594,682) in view of Schein et al (6,263,501).

With regard to claim 75:

While Peterson discloses "a web channel title representing the associated Internet web site," But Peterson fails to disclose, "Each of the plurality of the web channel buttons includes a web channel number." Schein discloses system and method for providing information to television viewers. As illustrated in Figs. 16A, Schein further discloses that the program guide 502 includes among other things, that each channel or web channel (accessed via Internet) buttons includes a web channel number (column 21, lines 14-32).

Schein and Peterson are analogous art because they are from the same field of endeavor, that is information presentation to a viewer.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Schein's program guide features, such channel number associated with each web channel buttons with the GUI of Schein because the title (name) on each button and the channel number will be helpful identifying channels of content, such as web providers name and channel (see Fig. 16A).

Therefore, it would have been obvious to combine Schein with Peterson to obtain the invention as specified in claim 75.

With regard to claim 76:

While Peterson discloses a plurality of navigating devices, such as mouse keyboard, etc, to browse the web-enabled TV (fig. 8), but Peterson fails to disclose "the navigating enabling means comprise a remote control device."

Schein, on the other hand discloses navigation enabling means, such as a remote controller device (Fig. 1, #40).

Schein and Peterson are analogous art because they are from the same field of endeavor, that is information presentation to a viewer.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the remote controller device of Schein with navigating devices of Peterson's because it will be so much easier to navigate over a displayed control object (such as web site) using a remote control.

Therefore, it would have been obvious to incorporate Schein with Peterson to obtain the invention as specified in claim 76.

With regard to claim 84:

While Peterson discloses a plurality of network access means comprising physical wire, satellite, radio, microwave (column 13, lines 27-36), but a digital cable system is not disclosed, Schein, on the other hand discloses a digital cable system (Fig. 12, #310).

Schein and Peterson are analogous art because they are from the same field of endeavor, that is information presentation to a viewer.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the digital cable system of Schein with the plurality of network access means of Peterson's.

The suggestion/motivation for doing so would have been to provide alternative and faster network connection.

Therefore, it would have been obvious to incorporate Schein with Peterson to obtain the invention as specified in claim 84.

With regard to claims 83 and 92:

While Peterson describes descriptive information, such as title to categorize and identify web content (column 6, lines 17-26), but Peterson fails to describe a guide strip adapted to include a web channel number.

Schein et al discloses a guide strip including name of the channel (ABC) and channel number (L5) identifying the selected channel (see Schein: Fig. 1713-C, and elsewhere).

Schein and Peterson are analogous art because they are from the same field of endeavor, that is information presentation to a viewer.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the guide strip of Schein with Peterson's content viewer interface because user will easily identify the viewing content just by looking the guide strip.

Therefore, it would have been obvious to incorporate Schein with Peterson to obtain the invention as specified in claims 83 and 92.

With regard to claims 74 and 103:

As per "a web channel guide window," Peterson discloses a User Interface window 122 as a channel guide window. This User Interface window 122 includes a plurality of web channel buttons which are also customizable, that is one can click and edit directly at the category (or channel) or sub-channel button (see Peterson: column 10, lines 9-15, fig. 5 and 6). Furthermore, this User Interface window 122 can also be considered as Internet guide window because when one of the channels, or web site buttons is selected it connects to the Internet or a specified address in the network (column 10, lines 4-63).

Furthermore, As shown in fig. 5, clicking the "x" mark will close the channel listing clicking the channel will bring back the channel listing, this teaching could correlates to the claimed element, "guide button," but "guide button" is not clearly specified.

On the other hand, Schein explicitly shows a program guide and channel guide buttons (figs. 16A and 1613, respectively).

Schein and Peterson are analogous art because they are from the same field of endeavor, that is information presentation to a viewer

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Peterson's channel listing opening and closing mark with the guide button of Schein's because it is clearly accustomed and easier to operate the guide button, especially, in TV environment.

Therefore, it would have been obvious to combine Schein with Peterson to obtain the invention as specified in claims 74 and 103.

Response to Arguments

6. Applicant's arguments filed May 24, 2004 have been fully considered but they are not persuasive. Applicant argues, "Peterson does not teach enabling integrated navigation between Internet websites and television channels." To begin with, the closest claimed language to applicant argument would be "means for enabling selection of and access to one or television channels." Responding to applicant's argument, Peterson does teach the argued claimed language, that is, Peterson discloses a graphical user interface or browser for navigating and accessing, one or more of a plurality of television channels (via Broadcast medium (Fig. 8, #154) and one or more Internet web sites (via web/Internet (Fig. 8, #160) (also see Figs. 5 and 6). As illustrated in Figs. 5 and 6 an integrated television channels (such as CNN, MSNBC, etc) and Internet web sites (such as sites related to business, technology, lifestyle and travel, etc) are shown.

Applicant further disagree that Peterson does not teach accessing and navigating any television channels in a graphical user interface or browser. Applicant also states that only Internet web sites are shown in Figures 5 and 6 of Peterson. Again, In contrast to the applicant's disagreement, as known in Television art and as disclosed by Peterson CNN, MSNBC, and among others are television channels. Furthermore, as disclosed by Peterson these television channels are accessed via GUI or browser, such as from web/Internet (Fig. 8, #160) and/or Broadcast medium (Fig. 8, #154).

Having fully addressed the Applicant's argument, the rejection still stands.

Conclusion

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R \$ 1.111(c) to consider the reference fully when responding to this action. WO 99/35843, the documents cited therein teach, "a computerized system for integrating Internet sources and television sources in a convergence system is disclosed. In one embodiment of the invention, the system integrates both television channels and Internet channels in a single list of channels available on the system. The lists of channels are stored in an electronic program database. The system solves the problem of managing multiple channels from multiple sources by seamlessly integrating channels from the television with channels from the Internet in a single channel list." (See Abstract). The document cited reads over the independent claims of the current invention.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

Art Unit: 2173

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

July 16, 2004

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', written in a cursive style.